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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/980,785	04/11/2002	Gilles Lorentz	022701-969	8783
21839	7590	03/22/2004	EXAMINER	
BURNS DOANE SWECKER & MATHIS L L P			EINSMANN, MARGARET V	
POST OFFICE BOX 1404			ART UNIT	
ALEXANDRIA, VA 22313-1404			PAPER NUMBER	
			1751	

DATE MAILED: 03/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/980,785

Applicant(s)

LORENTZ ET AL.

Examiner

Margaret Einsmann

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 2/16/01
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The seven structures in claim 1 are referred to as "a skeleton chosen from  $Z_1$  to  $Z_7$ " Yet the skeletons are denoted as 1-7, not  $Z_1$ - $Z_7$ . The terminology should be made consistent in claim 1 and then the same terminology used in the dependent claims. In claim 1 there is no definition of  $R_4$ , there is a definition of R but there is no variable R. IT appears that  $(R_4)^+$  should be  $(R)_4^+$ .

In claim 2 the reference is to "radical  $Z_1$ ." Does applicant mean radical  $Z_i$ ? If applicant means  $Z_i$  having a skeleton  $Z_1$ , then the claim needs to be amended to reflect the intended meaning.

In claims 3,6, 12 and 14 the reference is to "radical Z." The examiner cannot find antecedent basis for radical Z in claim 1.

Claims 4 and 5 refer to  $Z_3$  to  $Z_7$  or  $Z_3$ . Claims 13 refers to  $Z_4$  or  $Z_5$ . There is no antecedent basis for these references in claim 1.

The examiner cannot find the basis for claim 7 in claim 1. Please clarify.

Regarding claim 8, there is no basis in claim 1 for dyeing steps e) as claimed in claim 8.

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In claim 9 there is no basis for the concentration claimed. Grams/liter of what?

In claim 11  $Z_i$  should be  $Z_i$ .

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-7, 9-14 are rejected under 35 U.S.C. 35 U.S.C. 102(b) as anticipated or 103(a) as being unpatentable over Ricca et al, US 5,674,823. Ricca et al. disclose a process of cleaning textile fibers wherein ethoxylated terpene surfactants of applicant's claim 1 are used. Beginning in col 3line 5, patentee discloses compounds which are the same as claimed in the process of instant claim 1. See col 3, col 4 and col 5 line 18 for the structures and preferred structures. Patentee discloses a process of using the surfactants in a mixture within a detergent formulation for washing clothes in examples 5 and 6 in column 21. Regarding the limitation of claim 9, Ricca et al. test detergency

by using the claimed surfactants in an amount of one gram per liter of water. Regarding the embodiments in claims 10-14, they are disclosed as being preferred in col 3 and 4. See especially col 4 lines 32-67 wherein all of the requirements of claims 10-14 are disclosed as being preferred. Accordingly, since Ricca et al. disclose the limitations of the instant claims, and even prefer applicant's preferred embodiments of the surfactant structures, the claims are anticipated.

Alternatively, patentees differ from the instant claims in that there are not working examples of all of the embodiments claimed. It would have been obvious to the skilled artisan at the time the invention was made to formulate a composition for treating textiles comprising the surfactants as claimed because Ricca teaches the equivalency of all of the surfactants to the ones in the working examples, and also teaches that all of the surfactants are non-foaming, have no unpleasant odor, can be obtained easily and at acceptable cost. Col 5 lines 42 -54.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fuller et al., us 5,512,062 or Berrie et al, US 3,617,112 in view of Ricca et al.

Fuller et al and Berrie et al. disclose the use of ethoxylated nonionic surfactants as leveling agents in dyeing processes. Berrie uses ethoxylated nonylphenol in example 88. Fuller et al. Uses several nonionics in his dye compositions in column 10. Neither patent teaches the use of terpene surfactants as claimed.

Ricca et al. is applied as set forth in the above rejection as disclosing the formation of a new class of nonionic terpene surfactants as claimed. Ricca states that the surfactant behavior of the compounds is better than of substantially equivalent to

that of the known (but toxic) surfactants, namely nonylphenol. HE states that the surfactant performance characteristics of the compounds of the invention remain acceptable compared with those of the linear fatty alcohols such as lauryl alcohol. It would have been obvious to the skilled artisan to replace the nonionic surfactants in the dyebaths of Berrie and/or Fuller with the ethoxylated terpene surfactants of Ricca et al. for the benefits taught by Ricca et al., that is they are non-toxic, are non-foaming, do not have an unpleasant odor and can be obtained as an acceptable cost. See Ricca col 5 lines 33-50.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Margaret Einsmann whose telephone number is 571-272-1314. The examiner can normally be reached on 7:00 AM -4:30 PM M-Th and alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yogendra Gupta can be reached on 571-272-1316. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

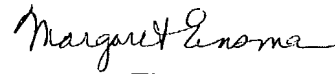
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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March 11, 2004

A handwritten signature in cursive script, reading "Margaret Einsmann".

Margaret Einsmann  
Primary Examiner  
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